

## **7.00.020 STOP AND FRISK (CALEA 1.2.3)**

Stop and frisk applies to persons in vehicles as well as on foot. If sufficient reasonable suspicion to believe there are **readily accessible** weapons exists within the vehicle, the officer may search the vehicle. The officer may not search a locked or inaccessible area of the vehicle, but may check for weapons in areas readily accessible to person(s) and seize objects in plain view.

### **Stop**

An officer may temporarily detain a person for the purpose of determining the circumstances surrounding the person's presence which led the officer to believe that the person may be involved in a crime that was committed, was being committed, or was about to be committed. Crime does not include a non-traffic civil violation.

Specifically, the officer may use police authority to stop and:

- ❖ Identify a person (Persons may lawfully refuse to identify themselves)
- ❖ Request an explanation of the person's actions
- ❖ Establish probable cause to arrest through questioning. Miranda warnings are not required during the stop and frisk. Warnings will become necessary if an arrest is made and the person is taken into custody and questioned. All arrested persons shall be informed of their right to counsel, even if no questioning occurs.
- ❖ Gather information that may create probable cause at a later date
- ❖ Determine whether or not a crime has been committed to which the officer may link the person's suspicious activity
- ❖ Prevent the commission of a crime
- ❖ Resolve suspicions about the person

Officers will not make random stops for identification. A stop must be based on **reasonable suspicion of criminal activity** in the past, present, or immediate future. Pretext stops are not permitted.

If not in uniform, the officer conducting a stop will identify him/herself as a police officer as soon as practical and safe to do so. It is recommended that when a stop is to be made, a uniformed officer be called to make the stop.

An officer conducting a stop will use the least forceful means necessary to detain the person. The officer will first use verbal orders when possible then progress to the use of physical restraint only if necessary to prevent the person from leaving.

An officer may detain a person for only the minimum amount of time needed to conduct the interview and check the person's actions.

### **Vehicle Stop**

- ❖ **Driver**  
If an officer has probable cause to stop a car for a traffic infraction, the officer may, incident to such stop, take whatever steps necessary to control the scene, including ordering the driver to stay in the vehicle or exit it, as circumstances warrant.

### ❖ **Passenger**

An officer does not have the same authority over an uninvolved passenger. The officer must have an articulable objective rationale based on specific safety concerns for officers, vehicle occupants or other citizens, for ordering a passenger to stay in the vehicle or exit the vehicle. Factors warranting an officer's direction to a passenger at a traffic stop may include the number of officers, the number of vehicle occupants, the behavior of the occupants, the time of day, the location of the stop, the traffic at the scene, affected citizens, or officer knowledge of the occupants.

An officer conducting a stop of a vehicle may order all occupants out of, or require them to remain in the vehicle to maintain a level of officer safety.

### **Frisk**

An officer may conduct a frisk of any person contacted on a valid stop only if the officer has reasonable suspicion that the person contacted may be armed.

Factors that may establish reasonable suspicion include, but are not limited to:

- ❖ Reason for the contact - does the officer's reason for the contact involve a serious and/or violent offense? What is the threat potential?
- ❖ Time of day - is the contact at night?
- ❖ Location - is the area known for criminal activity? Is the officer unlikely to receive immediate assistance if assaulted?
- ❖ Prior knowledge - does the officer know the person to have prior police contacts with weapons or dangerous behavior such as assaults on police officers?
- ❖ Companions - are there numerous suspects and is there reason to suspect a companion(s) possess a weapon?
- ❖ Person's appearance - does the person's clothing bulge in a manner suggesting the presence of any object capable of inflicting injury?
- ❖ Person's actions - is the person cooperative? Did the person's physical movements suggest hiding a weapon as the officer approached? Are the person's words or actions threatening?